

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERMAN MONTES-ZUNIGA,

Defendant.

8:12CR354

ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Petition) regarding defendant German Montes-Zuniga (Montes-Zuniga) (Filing No. 28). Montes-Zuniga was ordered released upon conditions pending further proceedings on November 29, 2012 (Filing No. 20). Montes-Zuniga was to reside in Omaha, Nebraska, and abide by other conditions of release. On February 25, 2013, U.S. Pretrial Services Officer Assistant Theresa Rerucha submitted a Petition alleging Montes-Zuniga had violated the conditions of his release by being involved in a distribution of methamphetamine on February 21, 2013. A warrant for Montes-Zuniga's arrest was issued.

Montes-Zuniga appeared before the undersigned magistrate judge on March 12, 2013. He was represented by Joseph F. Gross, Jr. The United States was represented by Special Assistant U.S. Attorney Martin J. Conboy, IV. After being advised of the nature of the allegations, his rights, and the consequences if the allegations were found to be true, Montes-Zuniga admitted the allegations. The court finds the allegations of the petition are generally true and Montes-Zuniga has violated the conditions of his release.

The court took judicial notice of the Pretrial Services Violation Report. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Montes-Zuniga has demonstrated he is unable to comply with rules of his release.

**IT IS ORDERED:**

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 28) is granted.  
2. The Order Setting Conditions of Release of German Montes-Zuniga (Filing No. 20) is hereby revoked.

3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 12th day of March, 2013.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge